

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

UNITED STATES OF AMERICA

-v-

LUIS RAMIREZ,
a/k/a "Gallo,"

Defendant.

- - - - -x

COUNT ONE

**SUPERSEDING
INDICTMENT**

S2 07 Cr. 527 (SAS)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: JUN 18 2008

The Grand Jury charges:

1. From in or about February 2006, up to and including at least in or about June 2007, in the Southern District of New York and elsewhere, LUIS RAMIREZ, a/k/a "Gallo," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.
2. It was a part and an object of the conspiracy that LUIS RAMIREZ, a/k/a "Gallo," the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21 of the United States Code.

Overt Acts

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about October 17, 2006, LUIS RAMIREZ, a/k/a "Gallo," had a telephone conversation with a co-conspirator not named as a defendant herein ("CC-1") about 55 kilograms of cocaine.

b. On or about October 19, 2006, a co-conspirator not named as a defendant herein ("CC-2") possessed approximately 55 kilograms of cocaine.

(Title 21, United States Code, Section 846.)

Forfeiture Allegation as to Count One

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, LUIS RAMIREZ, a/k/a "Gallo," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of said violation.

Substitute Asset Provision


5. If any of the above-described forfeitable


property, as a result of any act or omission of LUIS RAMIREZ, a/k/a "Gallo," the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value;
- or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of LUIS RAMIREZ, a/k/a "Gallo," the defendant, up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(Title 21, United States Code, Section 846)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson. 6/18/08
